

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/039,081	COLE, DAVID J.
	<b>Examiner</b>	<b>Art Unit</b>
	Jason M. Greene	1724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09 October 2003.
2. ☒ The allowed claim(s) is/are 1-5, 9, 11-18 and 28.
3. ☒ The drawings filed on 02 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.   |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                    |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other _____.                                    |

**DETAILED ACTION**

***Response to Amendment***

***Response to Arguments***

1. Applicant's arguments, see page 6, lines 2-5, filed 09 October 2003, with respect to claims 1-5 and 9 have been fully considered and are persuasive. The 35 U.S.C. 102 and 103 rejections of claims 1-5 and 9 have been withdrawn.

***Allowable Subject Matter***

2. Claims 1-5, 9, 11-18, and 28 are allowed.
3. The following is an examiner's statement of reasons for allowance:

As noted by Applicants in page 6, line 10 to page 7, line 23 of the reply filed 09 October 2003, Shutic '599 does not teach or fairly suggest the apparatus of claim 28 having a separate continuous air chamber above each of the rows of discreet powder reclamation collectors having generally parallel side walls joining the side walls of the

powder reclamation collectors providing a continuous air plenum bridging the inlets of the powder reclamation collectors.

Rombach et al. discloses an underbooth powder collection apparatus positioned beneath a paint application booth having an air circulation system for painting a product with particulate paint comprising a row of adjacent discrete powder reclamation collectors (52,53,54) having generally parallel side walls and opposed generally abutting end walls, an upper inlet and a lower outlet for reclaiming paint particles, and a continuous air chamber (not numbered, area above 52,53,54) above the row of discrete powder reclamation collectors having generally parallel side walls joining the side walls of the powder reclamation collectors providing a continuous air plenum bridging the inlets of the powder reclamation collectors having an inlet receiving air and particulate matter paint from said paint application booth and a continuous outlet directing air and particulate paint into said inlets of said powder reclamation collectors in Figs. 1-7 and col. 3, line 29 to col. 7, line 40.

Rombach et al. does not disclose the apparatus comprising at least two spaced rows of adjacent discrete powder reclamation collectors having a separate continuous air chamber above each of said rows of discrete powder reclamation collectors.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

6. The application has been amended as follows:

Renumber original claim 9 as claim 6.

Renumber original claim 11 as claim 8.

Renumber original claim 11 as claim 8.

Renumber original claim 12 as claim 9.

Renumber original claim 13 as claim 10.

Renumber original claim 14 as claim 11.

Renumber original claim 15 as claim 12.

Renumber original claim 16 as claim 13.

Renumber original claim 17 as claim 14.

Renumber original claim 18 as claim 15.

Renumber original claim 28 as claim 7.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (703) 308-6240. The examiner can normally be reached on Tuesday - Friday (7:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (703) 308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

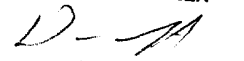
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jason M. Greene  
Examiner  
Art Unit 1724



jmg  
December 8, 2003

DUANE SMITH  
PRIMARY EXAMINER

  
12-11-03